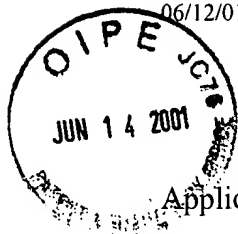


AF/1631\$
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NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS

Applicants: Gerd Sutter, Marion Ohlmann and Volker Erfle

Serial No.: 09/002,443

Group Art Unit: 1631

Filed: January 2, 1998

Examiner: Zeman, M.

For: Recombinant MVA Virus, And The Use Thereof

#17
Plunkett
6/19/01

| CERTIFICATE OF MAILING | |
|---|----------------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 | |
| on <u>6-12-01</u> | <u>Jean A. White</u> |
| Date | Signature |
| <u>Jean A White</u> | |
| Typed or printed name of person signing certificate | |

Assistant Commissioner for Patents
Box AF
Washington, D.C. 20231

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated December 13, 2000 of the Primary Examiner finally rejecting claims 1-11 and 31-52. The item(s) checked below are appropriate:

1. ☒ Applicant hereby petitions to extend the time for filing a Notice of Appeal in response to the Office Action Made Final dated December 13, 2000 for three month(s) from March 13, 2001 to June 13, 2001.
2. ☐ A month extension of time to respond to the Office Action Made Final dated was filed on with payment of a \$ fee.
☐ Applicant hereby petitions for an additional month extension of time to respond to the Office Action Made Final.
3. ☐ An Oral Hearing before the Board of Appeals is respectfully requested.

4. Fees are submitted for the following:

| | | | |
|-------------------------------------|--------------------------------------|-------|---------|
| <input checked="" type="checkbox"/> | Extension of Time for three month(s) | | \$ 890 |
| <input type="checkbox"/> | Additional Extension of Time: | | |
| | Fee for Extension ([] mo.) | \$ | |
| | Less fee paid ([] mo.) | - \$ | |
| | Balance of fee due | | \$ 0 |
| <input type="checkbox"/> | Oral Hearing | \$ | |
| <input checked="" type="checkbox"/> | Notice of Appeal | \$ | 310 |
| <input type="checkbox"/> | Other | \$ | |
| | | TOTAL | \$ 1200 |

5. The method of payment for the total fees is as follows:

- ☒ A check in the amount of \$1200.00 is enclosed.
- ☐ Please charge Deposit Account No. 08-0380 in the amount of \$[].

Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this document is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH, REYNOLDS, P.C.

By

Anne J. Collins

Anne J. Collins

Registration No.: 40,564

Tel.: (781) 861-6240

Fax: (781) 861-9540

Lexington, Massachusetts 02421-4799

Date:

June 12, 2001